

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MATTHEW BAILEY,

Plaintiff,

v.

Case No. 08-C-785

MARIO CANZIANI, et al.,

Defendants.

MEMORANDUM AND ORDER

Plaintiff Bailey, who is proceeding pro se, lodged a complaint alleging negligence on the part of several staff members at the Wisconsin Resource Center. Plaintiff has also filed a motion to proceed *in forma pauperis*. 28 U.S.C. § 1915. Under § 1915(e)(2), I maintain a duty to determine at the outset whether the complaint is frivolous or fails to state a claim on which relief may be granted.

Plaintiff's complaint does not state a federal claim. He alleges that he slipped and fell twice in the shower and argues that the defendants were negligent for failing to place safety mats on the floors. Although this states a claim for negligence, that is a claim based on state law. Federal courts do not have jurisdiction over such claims unless the plaintiff and defendants are citizens of different states, and here all parties are alleged to be Wisconsin citizens. Accordingly, the complaint will be dismissed for lack of jurisdiction. Plaintiff is free to re-file his case in state court.

Plaintiff's motion to proceed *in forma pauperis* is **GRANTED** (meaning that the filing fee is waived), but the complaint is ordered **DISMISSED** for lack of jurisdiction.

Dated this 19th day of September, 2008.

s/ William C. Griesbach
William C. Griesbach
United States District Judge